

Exhibit 1

Ableson, Michael James

From: Philip Ellison <pellison@olcplc.com>
Sent: Tuesday, April 1, 2025 5:55 PM
To: Lauderbach, Jonathan; Herrington, Beth; Fakhoury, Michael W.; 'matt@garskelaw.com'
Cc: 'Benjamin Jeffers'; Awan, Mohamed; Ableson, Michael James
Subject: Re: [EXTERNAL] Re: Howard, et al. v. UBP, et al., No. 25-cv-10926 (E.D. Mich.)

[EXTERNAL EMAIL]

To be clear, we have no objection to a divisional transfer; we just assert the issue is moot in light of the lack of federal jurisdiction.

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From: Lauderbach, Jonathan <jlauderbach@wnj.com>
Sent: Tuesday, April 1, 2025 5:50 PM
To: 'Herrington, Beth' <beth.herrington@morganlewis.com>; Philip Ellison <pellison@olcplc.com>; 'Fakhoury, Michael W.' <michael.fakhoury@morganlewis.com>; 'matt@garskelaw.com' <matt@garskelaw.com>
Cc: 'Benjamin Jeffers' <bjeffers@hbjjs.com>; 'Awan, Mohamed' <mohamed.awan@morganlewis.com>; 'Ableson, Michael James' <michael.ableson@morganlewis.com>
Subject: RE: [EXTERNAL] Re: Howard, et al. v. UBP, et al., No. 25-cv-10926 (E.D. Mich.)

The City of Bay City consents to the transfer to the Northern Division.

 **Jonathan E. Lauderbach** | d 989.698.3701 | m 989.859.0886 | jlauderbach@wnj.com

From: Herrington, Beth <beth.herrington@morganlewis.com>
Sent: Tuesday, April 01, 2025 5:40 PM
To: Philip Ellison <pellison@olcplc.com>; Fakhoury, Michael W. <michael.fakhoury@morganlewis.com>; matt@garskelaw.com; Lauderbach, Jonathan <jlauderbach@wnj.com>
Cc: Benjamin Jeffers <bjeffers@hbjjs.com>; Awan, Mohamed <mohamed.awan@morganlewis.com>; Ableson, Michael James <michael.ableson@morganlewis.com>
Subject: [EXTERNAL] Re: Howard, et al. v. UBP, et al., No. 25-cv-10926 (E.D. Mich.)

Thanks, Philip. We will note Plaintiffs do not consent to the transfer to the Northern Division (Bay City).

The local controversy exception is not applicable to this case, and the information you have requested is not necessary to reach that determination. Even if the local controversy exception somehow did apply (which it does not), it would not be a “legal error” to remove the case given that the exception is not a barrier to removal.

We don’t agree to produce the personally identifying information requested in your email, nor concede that UBP has the right to disclose such information. We also don’t concur with the relief you propose seeking from the Court.

As I mentioned in my email earlier this week, it would be great if we could set a call to discuss this case this week. Do you and your co-counsel have any time to talk? If so, please let me know when works best.

Beth

Beth Herrington

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From: Philip Ellison <pellison@olcplc.com>

Sent: Tuesday, April 1, 2025 3:46:23 PM

To: Fakhoury, Michael W. <michael.fakhoury@morganlewis.com>; matt@garskelaw.com <matt@garskelaw.com>; jlauderbach@wnj.com <jlauderbach@wnj.com>

Cc: Benjamin Jeffers <bjeffers@hhbjs.com>; Herrington, Beth <beth.herrington@morganlewis.com>; Awan, Mohamed <mohamed.awan@morganlewis.com>; Ableson, Michael James <michael.ableson@morganlewis.com>

Subject: Re: Howard, et al. v. UBP, et al., No. 25-cv-10926 (E.D. Mich.)

[EXTERNAL EMAIL]

Michael:

The Clerk of the US District Court for the Eastern District of Michigan has, about an hour ago, alerted me that your office has removed the *Howard v. UBP Bay City, LLC* case to federal court. Plaintiffs assert that this was in error as the federal court lacks jurisdiction and "shall decline" to adjudicate this case under the *Class Action Fairness Act*. Specifically, CAFA withholds jurisdiction under the local controversy exception pursuant to 28 U.S.C. § 1332(d)(4). As the entity with the records of the same, your client has firsthand evidence to confirm the same of their legal mistake. We need that information to establish UBP's error in removing the case to federal court.

Therefore, I am requesting that you provide my office within 14 days a certified electronic copy (spreadsheet preferred) of the names, address, and full contact information of all charged non-Bay City, Michigan residents and drivers who have crossed the Independence Bridge and paid any toll or purchased an unlimited pass from BCBP but excluding counsel (and their immediate family or businesses), the assigned Judge (and his/her immediate family) and the Judge's staff (and their immediate family). We also request the corresponding dates of crossing and the amount charged. With that data, we will be seeking to remand back to the state court where this case belongs pursuant to 28 U.S.C. § 1332(d)(4). If you do not agree to voluntarily provide the

data requested, please treat this email as my formal request for concurrence for entry of an order to compel production. See E.D. [Mich.LR](#) 7.1(a). And while I am typing this email, I am also seeking your concurrence in the forthcoming motion to remand back to the Bay County Circuit Court. *Id.* If a motion is required to be filed, we will be seeking costs and attorney fees as provided by 28 U.S.C. § 1447(c).

As for your request about the appropriate divisional venue, the issue is moot because the case is properly before the Bay County Circuit Court alone.

Thank you.

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From: Fakhoury, Michael W. <michael.fakhoury@morganlewis.com>
Sent: Tuesday, April 1, 2025 4:30 PM
To: matt@garskelaw.com <matt@garskelaw.com>; Philip Ellison <pellison@olcplc.com>; jlauderbach@wnj.com <jlauderbach@wnj.com>
Cc: Benjamin Jeffers <bjeffers@hbjjs.com>; Herrington, Beth <beth.herrington@morganlewis.com>; Awan, Mohamed <mohamed.awan@morganlewis.com>; Ableson, Michael James <michael.ableson@morganlewis.com>
Subject: Howard, et al. v. UBP, et al., No. 25-cv-10926 (E.D. Mich.)

Counsel,

Today, Defendant UBP filed a Notice of Removal removing the above captioned action from the Circuit Court for the County of Bay to the Eastern District of Michigan. Consistent with 28 U.S.C. § 1446(d), I am providing written notice of the removal and a copy of the Notice of Removal and exhibits filed today. UBP has also filed its Notice of Removal with the Clerk for the Circuit Court for the County of Bay.

While filing the Notice of Removal, the case was inadvertently assigned to the Southern Division (Detroit), rather than the Northern Division (Bay City). We intend to file a motion today asking the Court to reassign this case to the Northern Division (Bay City) pursuant to 28 U.S.C. § 1441(a) and Local Rule 83.10. Could you please let us know if you concur with this filing?

Regards,
Michael

Michael W. Fakhoury
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